

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MILLARD GUTTER COMPANY, a  
Corporation; and GILLICK  
ENTERPRISES, INC.,

vs.

NATIONWIDE PROPERTY AND  
CASUALTY INSURANCE COMPANY,  
and DEPOSITORS INSURANCE  
COMPANY,

Defendants.

**4:23CV3016**

**FINAL PROGRESSION ORDER  
(AMENDED)**

IT IS ORDERED that, for good cause shown, the unopposed oral motion to amend case progression, Filing No. 47, is granted. The amended final progression order is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. A status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **January 28, 2025 at 9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
  
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is November 26, 2024. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by December 31, 2024.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned

magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is January 24, 2025.
- 4) The deadline for filing motions to dismiss and motions for summary judgment is February 21, 2025.
- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is February 21, 2025.
- 6) Motions in limine shall be filed twenty-eight days before trial. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All other deadlines in the prior case progression orders, Filings Nos. 14, 23, and 33, remain unchanged. Any requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 3rd day of September, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge